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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,581	03/27/2000	Rabindranath Dutta	AUS990891US1	3807

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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/535,581

Applicant(s)

DUTTA ET AL.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. This Office action is in response to Applicant's amendment, filed on 09/13/2004.
2. Claims 1-12 and 18-28 are pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12 and 18-28 are rejected under 35 U.S.C. 102 (e) as being anticipated by Tsuria (U.S. Pat. No. 6,466,670).

As per claims 1-12 and 18-28 Tsuria does correlate to the features recited that are disputed in their entirety in each of the independent claims on appeal. The structure and signal environment of figure 1 and the functional operation thereof in fig 2 of Tsuria clearly meet the subject matter of all features recited in the independent claims on appeal. These include the generation of a first electronic signature and a second electronic signature corresponding to the showings of signatures 130 and 185 in fig 1, and the discussion in Tsuria that the signature computation devices 110 perform what

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amounts to a distillation of a data stream such that the data stream is incapable of being reconstructed by direct decipherment.

Comparator 190 in fig 1 performs the claimed comparison operations between the two signatures that have been stored in respective devices in this fig. The functional comparison block 235 in flow chart fig 2 indicates that when a match is indicated between the two signatures, the likelihood of suspected copyright material is noted in such a manner as to yield a "yes" logical response to prevent playback of the recorded video representation in block 245. The illustrated video work may be a copyrighted video work as indicated at col 7, lines 42.

The signature computations in Tsuria occur in accordance with the showings in figs 3, 4 and 6, as well as their corresponding discussions, which principally occur at col 10 and 11. We recognize as well that Tsuria contains some teachings or suggestions of cryptographic approaches among the prior art known to him, but the principal thrust of Tsuria's teachings to yield an electronic signature clearly do not employ cryptographic approaches.

In this light, Appellants' remarks at the bottom of page 5 of the principal brief relating to their characterization that Tsuria teaches digital signatures in one sense is agreed with but in others is not. Tsuria may teach to the artisan that digital signatures are performed by the nature of the operations and functions performed in this reference to generate digital signatures, but clearly the claimed electronic signature is generated in the references. Appellants' remarks are not well received because they ask the board of Appeal to impute into Tsuria a definition of terms, in effect the words "digital signature"

based upon a reference which has an effective date of April 2, 2003 where the filing date of the application is March 27, 2000. Since the digital signature guideline's tutorial in Appendix B to the brief contains this later filing date, it is not available to the artisan to interpret correctly any meaningfulness of what an electronic signature in Tsuria may comprise. If we were to accept Appellants' views as to this approach argued at the bottom of page 5 of the principal brief on appeal, That a digital signature or an electronic signature implicitly includes a cryptographic approach to arriving at the digital signature, thus ensuring the opposite of the claimed negative limitation of the incapability of reconstructing the data stream by direct decipherment, we would also have impute the same to Appellants' own disclosed approach.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Pierre Eddy Elisca

**Primary Patent Examiner**

**March 07, 2005**